

Message Text

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PAGE 01 STATE 213657
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /033 R

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APPROVED BY EB/AN:RABROWN, ACTING
EB/OA/AVP:AJWHITE
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P 071911Z SEP 77
FM SECSTATE WASHDC
TO AMEMBASSY ROME PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, IT

SUBJECT: CIVAIR: USER CHARGES

REF: A) ROME 12411 B) ROME 13729 C) ROME 13857

1. INFO REQUESTED REF. A ON LEVEL OF USER FEES AT
REPRESENTATIVE US AIRPORTS BEING POUCHED TO EMBASSY.
MATERIAL WAS UPDATED BY FAA ON AUGUST 2, 1977;
COMPARES LANDING FEES AT SEVEN DIFFERENT U.S.
INTERNATIONAL AIRPORTS. DEPT. ALSO SENDING PAPER
ON AVIATION FACILITY COST RECOVERY FOR EMBASSY USE
AS GENERAL BACKGROUND INFO ON COST RECOVERY SYSTEMS.

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2. AS PER REQUEST PARA B OF REF C, DEPT. RECOMMENDS
FOR CONSIDERATION AN APPROACH USED BY AIRPORT AUTHORITY,
SAN JUAN, PUERTO RICO. THIS APPROACH USES A QUASI
JUDICIAL ADMINISTRATIVE HEARING PROCESS TO SET AIRPORT
USER CHARGES. CENTRAL TO THIS PROCESS IS THE USE OF A
HEARING DOCUMENT WHICH PRESENTS IN CONSIDERABLE DETAIL
AIRPORT COSTS, REVENUES, UTILIZATION, AND METHODOLOGIES

USED IN ALLOCATING COSTS AND CALCULATING USER CHARGES. A HEARING EXAMINER THEN REVIEWS COMMENTS OR TESTIMONY ON ANY ASPECT OF THE HEARING DOCUMENT AND THEN INSTRUCTS THE AIRPORT AUTHORITY TO INCLUDE IN THEIR COMPUTATIONS ANY RECOMMENDED REVISIONS OR CRITICISMS HE BELIEVES POSSESS MERIT. DEPT. WILL POUCH TO EMBASSY A COPY OF THE MOST RECENT HEARING DOCUMENT AND WILL PROVIDE ADDITIONAL DETAILS ON SAN JUAN PROCESS IF EMBASSY REQUESTS. DEPT. RECOGNIZES THAT THIS TYPE OF PROCESS MAY BE TOO FORMAL FOR ITALIAN AUTHORITIES. DEPT. EMPHASIZES THAT PURPOSE OF SUCH A PROCESS IS TO ENABLE AIRPORT USERS TO IDENTIFY QUICKLY AND EASILY THE BASIS AND REASONABLENESS OF AIRPORT USER CHARGES, AND TO PROVIDE USERS AN EFFECTIVE MEANS TO COMMENT ON THE COMPUTATION OF THOSE CHARGES. THE SAN JUAN APPROACH IS BUT ONE EXAMPLE OF MANY POSSIBLE FORMATS FOR ACHIEVING THE SAME OBJECTIVES.

3. DIFFICULTIES OF DETERMINING WHAT ARE "JUST AND REASONABLE" USER CHARGES WELL ILLUSTRATED BY PARA 4 REF A. DIFFERENCES IN ABSOLUTE LEVELS OF USER CHARGES LEVIED AT US AIRPORTS ALSO APPARENT FROM INFO BEING POUCHED TO EMBASSY. THIS IS WHY BASIC USG POSITION ON USER CHARGES IS THAT CHARGES SHOULD BE COST-RELATED, I.E. THAT STATES MAY RECOVER THROUGH USER CHARGES THE LIMITED OFFICIAL USE

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COSTS OF THE AVIATION FACILITIES AND SERVICES THEY PROVIDE UP TO ONE HUNDRED PERCENT OF THOSE COSTS. IN PARTICULAR, COSTS NOT RECOVERED FROM CERTAIN USERS ARE NOT TO BE SHOULDERED ONTO OTHER USERS. THIS IS THE APPROACH EMPLOYED BY MOST LEADING AVIATION STATES AND ENDORSED BY THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO). IN ADDITION, SUCH USER CHARGES SHOULD NOT BE IMPOSED IN A DISCRIMINATORY MANNER, WITH HIGHER CHARGES IMPOSED ON FOREIGN AIRLINES THAN ON NATIONAL AIRCRAFT. ARTICLE 7 OF THE US-ITALY AIR TRANSPORT SERVICES AGREEMENT OF 1970 IS CLEAR ON THIS POINT.

4. CONSEQUENTLY, IN DISCUSSIONS WITH CIVILAVIA EMBASSY SHOULD STRESS POINTS THAT USER CHARGES SHOULD BE COST-RELATED, AND NON-DISCRIMINATORY. EMBASSY COULD THEN EASILY COUNTER CIVILAVIA CHARGE OF FOREIGN GOVERNMENT INTERVENTION BY CITING THE BILATERAL AND THE WIDE SUPPORT GIVEN TO THE IDEA OF COST-RELATED USER CHARGES AS JUSTIFICATION FOR USG CONCERN. DEPT. THEREFORE HOPEFUL THAT CIVILAVIA CAN PROVIDE DATA AS PROMISED ON NEW SAR PORTERAGE AND WAREHOUSING FEES.

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5. REQUEST IN PARA 5 REF. B WILL BE DEALT WITH IN
SEPTTEL TO FOLLOW SHORTLY. VANCE

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 07-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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